

UNITED STATES DISTRICT COURT  
**SOUTHERN DISTRICT OF NEW YORK**

In re PARMALAT SECURITIES LITIGATION

This document relates to:

*Smith v Bank of America Corp., et al.*,  
Case No. 06-00383 (LAK)

GERALD K. SMITH as the Litigation Trustee of the  
Farmland Dairies LLC Litigation Trust,

v.

BANK OF AMERICA CORPORATION, et al.

G. PETER PAPPAS, as the Plan Administrator of the  
Plan of Liquidation of Parmalat-USA Corporation,

v.

BANK OF AMERICA CORPORATION, et al.

MASTER DOCKET

04 MD 1653 (LAK) ECF Case

Case No. 06 CIV. 00383 (LAK)

ELECTRONICALLY FILED

Case No. 06 CIV. 03109 (LAK)

ELECTRONICALLY FILED

**PROPOSED ORDER GRANTING PLAINTIFFS'**  
**MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

This matter having been brought before the Court by Plaintiffs Gerald K. Smith and G. Peter Pappas, through undersigned counsel, and the Court having reviewed and considered the Motion, it is hereby:

**ORDERED**, granting Plaintiffs leave to file the following documents under seal pursuant to the Stipulated Protective Order entered by the Court on August 3, 2005:

1. Motion to Alter or Amend the Judgment And Other Relief pursuant to Federal Rule of Civil Procedure 59;
2. Declaration of Robert T. Mills with attached exhibits 1 through 54;
3. Proposed Third Amended Complaint in *Smith v. Bank of America, et al.*; and
4. Proposed Third Amended Complaint in *Pappas v. Bank of America, et al.*

**SO ORDERED:**

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Hon. Lewis A. Kaplan, U.S.D.J.